

Statewide Assessment

Home and Community Based Settings

Master Human Care Agreement for Residential Settings

Section of the Rule	Type of Setting	Issue	Oppose/Silent /Positive	# of sites	Remedial Strategy	Lead Agency	Target Date	Ongoing Monitoring
(a) The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.
b. The setting optimizes individual initiative, autonomy, and independence in making life choices	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.
c. The setting facilitates individual choice regarding services and supports, and who provides them	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.
d. The setting provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.

A sample Human Care Agreement is available on-line at: <http://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/Residential%20Expenses%20and%20Services%20DCJM-2015-H-0006.pdf>.

	Homes							
e. The setting is integrated and supports access to the greater community	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA did not speak to this.	Silent	All	DDS updated the language in the Master HCA to require the following: “The Provider’s settings must support people’s full access to the greater community.”	DDS	Completed	Service coordination monitoring, and provider certification review.
f. The setting provides opportunities to engage in community life	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.
g. the setting provides opportunities to control personal resources	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Silent	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.
h. The setting provides opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this.	DDS	Completed	Service coordination monitoring, and provider certification review.
i. The setting is selected by the individual from among other options including non-disability specific settings and a private unit in a residential setting	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	HCA requires the provider to comply with DDS policies, procedures and waiver rules.	Positive	All	None required. HCBS waiver rules and DDS policies and procedures already require this. See, for example, General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900), Home and Community Based Settings Requirements.	DDS	Completed	Service coordination monitoring, and provider certification review.

j. If provider-owned or controlled, the setting provides a specific unit/dwelling that is owned, rented, or occupied under a legally enforceable agreement.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA already required that a lease be in the person's name if possible, but did not require a written residency agreement if a lease was not possible.	Positive/ Silent	All	DDS updated the language in the Master HCA to require the following: "Leases shall be in the names of the people who are being supported. If this is not possible, then the Provider must ensure that each person has a legally enforceable residency agreement or other written agreement that, at a minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies equally to leased and provider owned properties."	DDS	Completed	Service coordination monitoring, and provider certification review.
k. If provider –owned or controlled, the setting provides the same responsibilities/protectio ns from eviction as all tenants under landlord tenant law of state, county, city or other designated entity	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA did not require a written residency agreement.	Silent	All	DDS updated the language in the Master HCA to require the following: " Leases shall be in the names of the people who are being supported. If this is not possible, then the Provider must ensure that each person has a legally enforceable residency agreement or other written agreement that, at a minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies equally to leased and provider owned properties."	DDS	Completed	Service coordination monitoring, and provider certification review.
l. if the setting is provider-owned or controlled and the tenant laws do not apply, the state ensures that the lease, residency agreement or other written agreement is in place providing protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA did not require a written residency agreement.	Silent	All	DDS updated the language in the Master HCA to require the following: " Leases shall be in the names of the people who are being supported. If this is not possible, then the Provider must ensure that each person has a legally enforceable residency agreement or other written agreement that, at a minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies equally to leased and provider owned properties."	DDS	Completed	Service coordination monitoring, and provider certification review.

m. If provider-owned or controlled, the setting provides that each individual has privacy in their sleeping or living unit.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA did not require privacy rights for the person. The HCA spoke about access to a telephone, but not the right to use it privately.	Silent	All	DDS updated the language in the Master HCA to require the following: <ul style="list-style-type: none"> “Each person receiving support, must have access to a telephone or other communication device, as appropriate, to use for personal communication in private at any time the person is at home, unless there is a restriction is based on the person’s assessed need and that is justified in his or her person centered plan.” “All residences must offer the person privacy in his or her room (subject to the person having a roommate).” 	DDS	Completed	Service coordination monitoring, and provider certification review.
n. If provider-owned or controlled, the setting provides units with lockable entrance doors, with appropriate staff having keys to doors as needed	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA did not require that the person have a key to their unit.	Silent	All	DDS updated the language in the Master HCA to require the following: “The entrance to person’s room must be lockable by the person, with only the person, his or her roommate, if applicable, and appropriate staff having a key. Any exception shall be based on the person’s assessed need and justified in his or her person centered plan.”	DDS	Completed	Service coordination monitoring, and provider certification review.
o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA was silent on this.	Silent	All	DDS updated the language in the Master HCA to clarify that: “People may choose any provider of services if new room and board funding is not concurrently requested.”	DDS	Completed	Through DDA Residential Referral Committee
p. If provider-owned or controlled, the setting provides individuals with the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA spoke about ensuring the person had clothing and furniture, but was silent about it meeting the person’s preferences.	Silent	All	DDS updated the language in the Master HCA to require that clothing and furniture reflect the person’s preferences. It also now includes the following language: “People receiving supports must have the freedom to furnish and decorate their room, subject to the lease or other residency agreement.”	DDS	Completed	S Service coordination monitoring, and provider certification review.

q. If provider-owned or controlled, the setting provides individuals with the freedom and support to control their schedules and activities and have access to food at any time.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA spoke about ensuring the person received 3 nutritionally adequate meals per day, but did not address access to food at any time.	Silent	All	DDS updated the language in the Master HCA to require the following: "People receiving supports must have access to food at any time in their home, unless there is a restriction is based on the person's assessed need and that is justified in his or her person centered plan."	DDS	Completed	Service coordination monitoring, and provider certification review.
r. If provider-owned or controlled, the setting allows individuals to have visitors at any time.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	The HCA was silent on this issue.	Silent	All	DDS updated the language in the Master HCA to require the following: "People receiving supports shall have the right to visitors of his or her choosing at any time, in their residence. Any exception shall be based on the person's assessed need and justified in his or her person centered plan."	DDS	Completed	Service coordination monitoring, and provider certification review.
s. If provider-owned or controlled, the setting is physically accessible to the individual.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Home Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes s	The HCA already provided that: "All homes offered for providing services to people with accessibility needs shall be accessible to persons with mobility limitations, consistent with the Rehabilitation Act of 1973 as amended P.L. 93-112 (Section 504) incorporated herein by reference."	Positive	All	DDS updated and added to the language in the Master HCA to require the following: "The homes must be physically accessible for the person and meet his or her support needs. Any obstructions that limit a person's mobility in the home must have environmental adaptations to ameliorate the obstruction."	DDS	Completed	Service coordination monitoring, and provider certification review.
All	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	General	Silent	All	DDS is adding a definition -- "HCBS Settings Rule: refers to Home and Community-Based Setting Requirements for Community First Choice and Home and Community-Based Services (HCBS) Waivers, 79 Fed. Reg. 2948, 3030-31 (Jan. 16, 2014) (to be codified at 42 C.F.R. § 441.301(c)(4))."	DDS	Projected to be implemented on a rolling basis as HCA's are entered into throughout the year, starting by September 30,	N/A

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All	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	General	Silent	All	DDS is adding a requirement that the provider to “have a detailed Provider Transition Plan, including benchmarks and milestones that describes how all settings in which waiver services are provided will fully comply with the federal HCBS Settings Rule by March 17, 2019.”	DDS	Projected to be implemented on a rolling basis as HCA’s are entered into throughout the year, starting by September 30, 2017	Provider Performance Review and PCR
All	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	General	Silent	All	DDS is adding a requirement that “all new settings must be fully compliant with all requirements of the HCBS Settings Rule at the time they are established.”	DDS	Projected to be implemented on a rolling basis as HCA’s are entered into throughout the year, starting by September 30, 2017	Provider Resource Management Unit & DDA Operations (as part of the process of approving any new locations)